



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/825,585 04/01/97 YOSHIDA

T 35.C10516-CO

EXAMINER
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005514 LM02/0705  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

ART UNIT	ENG. G	PAPER NUMBER
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*31*

2743  
DATE MAILED:

07/05/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/825,585

Applicant(s)  
Yoshida

Examiner  
George Eng

Group Art Unit  
2743



☒ Responsive to communication(s) filed on Apr 17, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-24 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment and supplemental response filed 4/17/2000 and 4/20/2000 (papers no. 29 and 30).

### ***Claim Rejections - 35 U.S.C. § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno (US PAT. 5,661,568) in view of Sell et al. (US PAT. 5,471,522 hereinafter Sell)

Regarding claim 1, Ueno teaches a data communication apparatus for executing plural kinds of communication protocols as shown in figure 1 comprising a first data modem (108), a second data modem (109), a first protocol modem (106), a network controller (110) comprising a detection circuit for detecting a call signal (col. 4 lines 51-57), a memory 105 for storing communication information (col. 5 lines 6-17), means for reading the communication information in order to select one of the first and second communications protocols (col. 5 lines 30-57). Although Ueno does not

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specifically teaching a second protocol modem, Ueno teaches to reduce a total communication time by transmitting protocol signal using a high speed modem rather than the first protocol modem (col. 5 lines 45-48). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modem 108 as a second protocol modem for a data modem 109 because of reducing the communication time. Ueno differs from the claimed invention in not specifically teaching to select a communication protocol based on ID information of the data communication apparatus at a calling station. However, it is old and well known in the art of selecting protocol based on a calling number, for example see Sells (col. 4 lines 12-27 and col. 6 lines 43-49). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno to select protocol based on ID information of the data communication apparatus at the calling station, as per teaching of Sells, because it allows the data communication apparatus to configure its operation mode based on ID information of the calling station.

Regarding claims 2-3, Sells discloses means for registering the ID information of the calling station including telephone number information in accordance with the executed communication protocol (col. 4 lines 12-27 and col. 6 lines 43-49).

Regarding claim 4, Ueno teaches a data communication apparatus is capable of changing with different type of modems (figure 1 and col. 5 line 18 through col. 9 line 22).

Regarding claim 5, Ueno differs from the claimed invention in not using V.8 and V.35 in a communication apparatus, the particular of protocol used is merely a matter of design option such that V.34 is the international standard for dial up modems of up to 28,800 bits per second and V.8

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is a way V.34 modems negotiate connection features and option. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno using V.8 and V.35 in the communication apparatus because of compatibility so that it can be widely used to communicate with other apparatus in particular protocols.

Regarding claim 6, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 7-8, the limitations of the claims are rejected as the same reasons set forth in claim 2-3.

Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 11, Ueno discloses a communication apparatus having a plurality of modems comprising detection means (col. 4 lines 51-57), receiving means (col. 5 lines 6-17), selection means and communication means (col. 5 lines 43-57). Ueno differs from the claimed invention in not specifically teaching the receiving means for receiving ID information for identifying a communication apparatus at a calling station. However, it is old and well known in the art of selecting protocol based on a calling number, for example see Sells (col. 4 lines 12-27 and col. 6 lines 43-49). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno to select protocol based on ID information of the data communication apparatus at

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the calling station, as per teaching of Sells, because it allows the data communication apparatus to configure its operation mode based on ID information of the calling station.

Regarding claims 12-16, Sells discloses to select at least one communication protocol on the basis of the received ID information in order to update the communication protocols stored in the memory for processing (col. 6 lines 46-49).

Regarding claim 17, Sells discloses the ID information includes telephone numbers of the communication apparatus at the calling station (col. 6 lines 43-46).

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Regarding claims 19-23, the limitations of the claims are rejected as the same reasons set forth in claim 12-16.

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claim 17.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hanson et al. (US PAT. 5,600,712) discloses a data communication equipment using a telephone number of a remote endpoint to retrieve an associated set of stored configuration parameters (abstract).

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

(703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

GEORGE ENG

June 29, 2000

  
CURTIS A. KUNTZ  
SUPERVISORY PATENT EXAMINER  
GROUP 2700